



To: FCC Proceeding # 02-278
via email
From: Laurie K Young, President
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Thank you for the opportunity to comment on your proposed (and thankfully delayed) rules concerning business faxing.

Who we are

BSC is a small business operating in Massachusetts. We sell computer supplies to customers in 48 states. We've been in business 20 years and employ 25 people, mostly in sales. We have been a growing, profitable business able to hire people in this down economy.

Why we're interested

Right now, we make extensive use of the fax to send our price quotations and promotions to our customer base. We also receive purchase orders via fax, return the same purchase orders as accepted and shipped, and often fax copies of invoices and statements to our customers. We obtained those fax numbers from our customers when they gave them to us. When our customers object to any of our faxes, we remove their fax number from our system. With our base of 5000 customers, we get approximately one request per month.

What does the future hold?

Should your proposed rules go into effect as currently written, this is what our business will look like:

We will need to maintain a file of hard copy (i.e. paper) authorizations for fax permissions. I assume we'll have to update these regularly, so we'll have to have a system to update them yearly. This is basically one to two file drawers of authorizations, plus the time for someone to make sure they're up to date. I can hear productivity crashing now.

Next, we'll have to remove all the fax machines from the general office area and reserve them for use by manager and accounting people only. The temptation for a sales person to fax the quote his customer is requesting without getting the signed permission form is going to be too much to risk. You're giving 'private' citizens the opportunity to press cases in court for \$500 fines, with the opportunity for treble damages. We just can't afford the potential fines, so we'll have to sharply curtail our outbound faxing.

I'm hoping that our practice of faxing invoice and statement copies to our customers when they request them will not be subject to this written permission. Otherwise, we will have some very unhappy customers.

Impact on employees

We're also going to have some very unhappy employees. Our people will not be able to sell as much, and therefore, since they are commissioned as well as salaried, won't make as much income. This won't please them, I can assure you.

Current scope of the problem

Our office regularly receives unsolicited faxes. Some actually have value to us, even when they're sent by vendors we don't know. We're in business and we need to keep our options open to new vendors (otherwise, where would new businesses get any customers) and other opportunities. We don't usually want to go to Disney World, but it isn't killing us to throw it out. The actual expense is really quite low, and we don't have a team of fax analysts reading each one. Actually, the problem of unsolicited faxes is less than that of junk mail designed to look like official government documents (maybe you could spend some time looking into those).

Burden of implementation

Just in case you have convinced yourselves that it will be no big deal for companies to obtain the written permission of companies they need to fax things to, let me share our experience with credit card permission slips. We accept credit cards as a convenience to our customers. Most business is conducted on open terms. We require our customers to fax us their credit card number and a signed authorization before we will use the card, as a protection for both parties. Since the customer wants to use their credit card you'd think we'd have no problem getting the authorizations back, but that isn't the case. It can take as much as a week to get the authorization returned. Customers are busy people, and although they say they want protection--they want protection from abusive situations, not real life.

Timeliness of your rulings

I believe you are about ten years too late with these tighter restrictions. Faxes were expensive to print and unsolicited faxes were anathema ten years ago, but things have changed. Costs per copy have dropped dramatically and the volume is way down as junk email has come up as the thing to do (there's a problem you could really work on!). Your new rules will affect every business in the US with a fax machine. Since we sell fax supplies, I can assure you this is virtually every business in the US. The only reason the volume of objections has not impeded your ability to move around your offices is that the news is slow in getting out.

Conclusion

Please reconsider your ruling, specifically the part mandating previous written consent for fax communications. You are using a shotgun to kill a gnat.